

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
LOURDES FLORES,

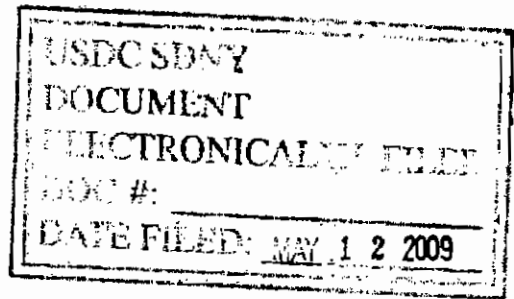
Plaintiff,

-v-

No. 08 Civ. 11097 (LTS)(AJP)

NEW YORK CITY DEPARTMENT OF EDUCATION,  
and UNITED BUS COMPANY,

Defendants.  
-----X



**ORDER ADOPTING REPORT AND RECOMMENDATION**

Pro se Plaintiff Lourdes Flores ("Flores" or "Plaintiff") brought the above-captioned action asserting a claim pursuant to the New York State Human Rights Law, N.Y. Exec. Law §§ 290-97, against Defendants the New York City Department of Education (the "DOE") and United Bus Company ("United") (collectively "Defendants") alleging employment discrimination. On February 11, 2009, Magistrate Judge Andrew J. Peck issued a Report and Recommendation (the "Report"), recommending that this action be dismissed for lack of subject matter jurisdiction. The Court has not received any objections to the Report.

**BACKGROUND**

Plaintiff, who, according to her Complaint, resides in Manhattan, brings this action against the DOE, a citizen of New York, and against United. By Order to Show Cause dated January 12, 2009, Judge Peck directed Plaintiff to show cause as to why this action should not be dismissed for lack of subject matter jurisdiction in light of the fact that Plaintiff's Complaint asserts a claim under state and not federal law and that the parties are not diverse. (See Docket Entry No.

4.) Plaintiff did not respond to Judge Peck's Order. Judge Peck then issued the February 11, 2009, Report.

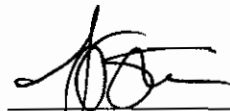
DISCUSSION

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C.A. § 636(b)(1) (West 2006). The Court is required to make a de novo determination as to the aspects of the Report to which objections are made. United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997).

However, “[i]n a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Johnson v. New York University School of Education, No. 00 Civ. 8117, at \* 1, 2003 WL 21433443 (S.D.N.Y. June 16, 2003).

Neither party has filed any objections to the Report. Thus, the Court reviews the Report for clear error. The Court has reviewed Judge Peck’s Report and finds no clear error. Accordingly, the Court adopts Judge Peck’s Report and Recommendation in its entirety. This action is dismissed for lack of subject matter jurisdiction. The Clerk of Court is respectfully requested to terminate this action.

Dated: New York, New York  
May 11, 2009

  
\_\_\_\_\_  
LAURA TAYLOR SWAIN  
United States District Judge